5391236/2022/OP-I-AGC01

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Agri. & Coop. (H&S) Department – Sericulture - Regularization of the services of Sri S.Nageswara Rao, Retired Field Assistant, Prakashma District with effect from 25.11.1993 for the purpose of fixation of pay, pension and pensionary benefits as per the common orders dated:05.12.2017 of Hon'ble A.P. Administrative Tribunal, Hyderabad in O.A.No.3271/2021, subject to further orders in SLPs pending before the Hon'ble Supreme Court of India, New Delhi - Orders - Issued.

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AGRICULTURE & COOPERATION (H&S) DEPARTMENT

G.O.Ms.No.01 **Dated:06.01.2022.**

Read the following

1. G.O.Ms.No.212, Finance & Planning (FW.PC.III) Department, dated.22.04.1994.
2. G.O.Ms.No.11, Finance (HR.III) department, dated.20.01.2017.
3. Proc.Rc.No.552/FA/PKM9(22)16-17E, dated.10.02.2017 of the Asst.Director of Sericulture Ongole Prakasam District.
4. Common Orders dated.05.12.2017 of the Hon'ble A.P.Administrative Tribunal, Hyderabad in O.A.No.3263 and 3271 of 2017 filed by Sri. K.Anka Rao and Sri S. Nageswara Rao, Retired Field Assistants, Prakasam District.
5. Orders dt.06.11.2020 of the Hon'ble High Court of A.P in W.P Nos.4247 and 4994 of 2019 filed by Government
6. G.O.MS.No.75, Agri. & Coop (H&S) Dept, dated.27.10.2021.
7. W.P.No.4678/2021 filed by Sri S.Nageswara Rao, Retired Field Assistant, Prakashma District.
8. Letter Rc.No.138/2021-B3A, dt.03.01.2022 of the Commissioner of Sericulture, A.P., Guntur.

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ORDER :

In the G.O. second read above, orders were issued to create (726) posts in the category of Field Assistant under supernumerary basis for regularization of services of Full Time Contingent Employees working in the Sericulture Department those who have completed 5 years of service as on 25.11.1993 and continuing in the Sericulture Department. Accordingly, the eligible Full Time Contingent Employees were appointed as Field Assistants under category 12 of A.P. Last Grade Service Rules 1992, and placed on probation from the date of issuance of the said G.O. i.e. 20.01.2017.

2. Sri S.Nageswara Rao, Retired Field Assistant, Prakashma District whose name was covered in G.O.Ms.No.11, Finance (HR.III) Department, dated 20.01.2017 and appointed as Field Assistant under category–12 of A.P Last Grade Service Rules, 1992 in the time scale of Rs.13000 – 40270 in RPS, 2015 retired on 31.05.2017 of superannuation i.e. 60 years. He has filed O.A.No3271 of 2017 before the Hon'ble A.P Administrative Tribunal, Hyderabad, seeking directions to the respondents to regularize his services soon after completion of five years i.e., 03.07.1990, or at least w.e.f. 25.11.1993 with all consequential benefits, such as pay fixation, old pension Scheme, Revised pay scales etc.,

3. The Hon'ble A.P Administrative Tribunal, Hyderabad has allowed the O.A. at the admission stage and passed common orders on 05.12.2017 in O.As No.3263 of 2017 and 3271 of 2017 filed by Sri K.Anka Rao and Sri S.Nageswara Rao, Retired Field Assistants, Prakasam District referring to the orders dated.13.09.2017 passed in O.A.No.1740, 1741 & 1761 of 2017. The Operative position of the orders/judgment is as follows:

> "Having perused the earlier order cited by the learned counsel for the applicants in O.A.No.1740/2017 and batch, dated.13.09.2017, I am of the considered view that the facts in the present O.As are exactly similar to the three OAs referred to above. Hence, the applicants in the present OAs are also entitled for the similar relief granted in O.A No.1740/2017 and batch, dated.13.09.2017, which is as follows:
>
> For all the above reasons, the respondents are directed to regularize the services of the applicants with effect from 25.11.1993 and on such, the applicants, are entitled for notional pay fixation and the service from that day shall be counted only for the purpose of pension and pensionary benefits. Appropriate orders in this regard shall be passed within a period of three months from the date of receipt of copy of this order.

(P.T.O)

The three Original Applications are allowed accordingly. In the circumstances, no costs"

The OAs are accordingly allowed at the admission stage with the consent of both the parties"

4. The Government have filed W.P.Nos. 4247 of 2019 and 4994 of 2019 before the Hon'ble High Court of A.P against the above common orders of the A.P.A.T. The Hon'ble Division Bench of High Court, A.P., Amaravathi while dismissing the above W.Ps. and passed common orders dated.06.11.2020. Aggrieved by the orders of the Hon'ble Division Bench of High Court, SLPs have been filed before the Hon'ble Supreme Court of India, New Delhi vide SLP Nos.011166–011167 of 2021, which are pending on the file of Hon'ble Supreme Court of India.

5. Sri S. Nageswara Rao, Retired Field Assistant, Prakasam District has filed W.P.No.4678/2020 before the Hon'ble High Court of A.P., Amaravathi seeking directions to the respondents for implementation of Tribunal orders dated.05.12.2017 in O.A.No.3271 of 2017.

6. The present W.P is also similar to Sri K.Anka Rao, Retired Field Assistant, Prakasam District who have filed CC.No.559/2021 before the Hon'ble High Court for implementation of orders of High Court dated.25.02.2020 passed in W.P No.5001/2020. Accordingly, Government have implemented the orders of the Hon'ble High Court vide reference 6th read above for avoiding further legal complications.

7. After careful examination of the entire issue and to avoid further legal complications, Government have decided to Implement the orders of Hon'ble A.P Administrative Tribunal, Hyderabad, dated.05.12.2017 in O.A.No.3271/2017 and hereby order to regularize the services of the of petitioner i.e., Sri S. Nageswara Rao, Retired Field Assistant, Prakasam District with effect from 25.11.1993 notionally in terms of G.O.Ms.No.212, Finance & Planning (FW.PC.III) department, dated.22.04.1994, for the purpose of pay fixation, pension and pensionary benefits subject to further orders in SLPs pending before the Hon'ble Supreme Court of India, New Delhi and other SLPspending in the similar matter.

8. This orders/relief being extended only to the incumbent applicant/petitioner mentioned in the above O.A. and not being treated as a precedent to be extended to any person/persons claiming to be similarly situated.

9. The Commissioner of Sericulture, Andhra Pradesh, Guntur shall take necessaryaction in the matter, accordingly.

10. This order issues with the concurrence of Finance Department vide their U.O.No.HROPDPP/46/2021, dated:06.01.2022.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

POONAM MALAKONDAIAH
CHIEF COMMISSIONER RBKS &
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Commissioner of Sericulture, Andhra Pradesh, Guntur.
The individual concerned through the Commissioner of Sericulture, A.P., Guntur
The Director of State Audit Department, Andhra Pradesh.
The Finance (HR.I–Plg,& Policy) Department.
Copy to:
P.S to Hon'ble Minister (Agrl.& Coop)
P.S to CC-RBKs & Spl.C.S to Govt., Agrl.& Coop Dept.,
P.S to Prl.Secy.to Govt., Finance Dept., A.P Sectt.
P.S to Secy. to Govt., Finance (HR.I) Dept., A.P Sectt.
The Government Pleader for Services-I&II, A.P.High Court Buildings, Nelapadu
SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER